

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JENNIFER CHAFFEE and
BRYAN FIDDLER,

5:22-cv-1077 (BKS/ML)

Plaintiffs,

v.

SYRACUSE CITY SCHOOL
DISTRICT and FRANKLIN
ELEMENTARY SCHOOL,

Defendants.

Appearances:

Plaintiffs pro se
Jennifer Chaffee
Syracuse, NY 13209

Bryan Fiddler
Syracuse, NY 13209

Hon. Brenda K. Sannes, Chief United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiffs Jennifer Chaffee and Bryan Fiddler commenced this proceeding under 42 U.S.C. § 1983 and Plaintiff Chaffee sought leave to proceed *in forma pauperis* (“IFP”). (Dkt. Nos. 1, 2, 8). This matter was referred to United States Magistrate Judge Miroslav Lovric who, on April 3, 2023, granted Plaintiff Chaffee’s IFP application to proceed IFP, and directed Plaintiff Fiddler to either pay the \$402.00 filing fee, or (ii) submit a completed and signed IFP long form application if he wished to proceed with this action. (Dkt. No. 9). Magistrate Judge Lovric recommended that:

that within thirty days from the date of a Decision and Order by the assigned District Judge on this Amended Order and Report-

Recommendation, if Plaintiff Fiddler does not fully comply with this Amended Order and Report-Recommendation, he be terminated from the docket and all claims asserted by him be dismissed without prejudice.

(*Id.* at 4). Plaintiffs were informed that they had fourteen days within which to file written objections to the report under 28 U.S.C. § 636(b)(1), and that the failure to object to the report within fourteen days would preclude appellate review. (*Id.* at 5). No objections to the Report-Recommendation have been filed.

As no objection to the Report-Recommendation has been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Court adopts the Report-Recommendation in its entirety.

For these reasons, it is hereby

ORDERED that Magistrate Judge Lovric’s Report-Recommendation (Dkt. No. 9) is **ADOPTED**; and it is further

ORDERED that within thirty (30) days of the date of this Order, Plaintiff Fiddler must either (i) pay the \$402.00 filing fee, or (ii) submit a completed and signed IFP long form application; and it is further

ORDERED that if Plaintiff Fiddler fails to pay the filing fee or submit a completed and signed IFP long form application, the Clerk is directed to **terminate Plaintiff Fiddler from the docket and dismiss all claims asserted by him without prejudice**; and it is further

ORDERED that upon Plaintiff Fiddler’s compliance or at the expiration of any deadline to comply set forth by the assigned District Judge, the Clerk shall return the file to Magistrate

Judge Lovric for further consideration and review of the complaint in accordance with 28 U.S.C. § 1915(e)(2); and it is further

ORDERED that the Clerk provide Plaintiff Fiddler with a blank long form IFP application and serve a copy of this Order on Plaintiffs in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: May 1, 2023
Syracuse, New York


Brenda K. Sannes
Brenda K. Sannes
Chief U.S. District Judge